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against Women

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 18 OF THE CONVENTION

Initial reports of States parties

BANGLADESH

INDIANA ....

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PART - I A SHORT SUMMARY OF THE ACTUAL,LEGAL,SOCIAL, ECONOMIC,ADMINISTRATIVE AND POLITICAL FRAME-WORK OF THE PERIOD BEFORE RATIFICATION.

The Government of Bangladesh has ratified the Convention in August, 1984 and become a State Party to the Convention On The Elimination Of All Forms of Discrimination Against Women with effect from 6-12-1984.(1) But as a matter of fact the Bangladesh Government has launched various multidimentional programmes to improve the status and condition of women in accordance with the provisions of the Convention already before ratification.

Bangladesh is one of the largest Muslim countries in the world and is most densely populated with 1,656 persons per square mile. Bangladesh population reached 92.6 million in 1982, out of which 47.7 million were male and 44.9 million were female (2). Bangladesh is predominantly a Muslim Country where 85.40% of the population are Muslims, 13.5% Hindus and rest of the population consists of Christian and other religious groups (3). So far as legal rights of women are concerned in Bangladesh Women have rights both under Law and under Constitution. A brief summary of the legal framework before ratification is given below:-

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(1) The Council of Ministers ratified the UN Convention on August 12,1984 with few reservations of Art, 2, Art. 13(a) Art 16 (c) & (f) as these provisions conflict with personal laws.

(2) Statistical Pocket Book of Bangladesh,1982,Bangladesh Bureau of Statistics.

(3) Bangladesh Population Census,1974 P-24.

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(A) Constitutional & Legal

Equality of opportunity to all citizens has been accepted as one of the fundamental principles of state policy. The Constitution of Bangladesh which came into force in 1972 has clearly upheld the principle of equality between men and women and forbidden discrimination against women. Article 27 declares that: "All citizens are equal before Law and are entitled to equal protection of Law", Article-28(1) states that: "The state shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth," Article - 28(2) emphasises that : "women shall have equal rights in all spheres of state and of public-life", Article - 28(3) emphasises that : "no citizen shall, on grounds only of religion race, caste, sex or place of birth, be subjected to any disability, liablity, restriction or condition with regard to access to any place of public entertainment or resort, or admission to any educational institution". Article- 28(4) ensures that: "nothing in this article shall prevent the State from making special provision in favour of women or children or for the advancement of any backward section of citizen",Article-29(1) states that : " there shall be equality of opportunity for all citizens in respect of employment or office in the the service of the Republic." Article -29(2) says that: "no citizen shall, on grounds only of religion, race, caste, sex or place of birth, be in eligible for, or discriminated against in respect of any employment or office in the service of the Republic ". However, Article -29(3) says that :"nothing in this article shall prevent the State from (a) making special provision in favour of any backward section of citizens for the purpose of securing their adequate representation in the service of the Republic", and "(c) reserving for members of one sex any class of employment or office on the ground that it is considered by its nature to be unsuited to members of the opposite sex".

Restrictions are also there under few legistations such as Labour Ordinance, 1962, Section-22 restricting night work for women and children. The Maternity Benefit (Tea-Estates) Act,1950 under Section 3 & 4 prohibits work by women during certain period and provides maternity benefit to amother for 6 weeks before and 6 weeks after child birth. Similarly, the Mines Maternity Benefit Act, 1941 provides for benefit to women workers in mines during pregnancy and after delivery. Section - 23 of the Shops and Establishment Act, 1965 prohibits night work for women or young persons during certain hours. Factories Act, 1965 under Section - 29 prohibits employment of women and children near cotton openers.

It may be noted that the provisions of the Constitution and general laws apply to all sections of people whether Muslim, Christian, Hindu or Buddhits equally. All the statutes and laws apply equally to women and men (if not expressly or impliedly barred) by virtue of all Section - 13 of the General Clauses Act, 1897, which provides that, in all Acts and Regulations unless there is anything repugnant in the subject, words importing masculine shall include female. Bangladesh Constitution under Article - 152 (2) makes the provisions of the General Clauses Act for the interpretations of the Constitutional provisions. The general Laws, such as, the Law of Contract, Tort, Criminal Code, etc, relate to all sections of People equally with few exceptions, such as, the offence of Bigamy is applicable to Christian men and not against Muslims or Hindus. Matters, such as marriage, divorce, maintenance, inheritance are guided by personal laws which depend on the religion of the community to which the women belong. The population of Bangladesh is predominantly Muslims, so this report will deal with the status and situation of muslim women under their respective personal laws.

A Muslim Women has the right to inherit property, marry and divorce. So far as inheritance is concerned, she gets property by inheritance as a daughter, as a wife sister and as a mother.

Under the Muslim Law, a Wife (or wives taken together) receives as share 1/8th if there is a child and 1/4th if there is no child from the estate of her deceased husband, though a husband reveives as share exactly the double i.e. and 1/2 under similar situations from the estate of his wife. A mother receives from the estate of her son 1/6th as share when there is a child of her son or when there are two or more brothers or sisters or one brother and one sister of her son. On the other hand, a father receives from the estate of his son 1/6th share if there is a child of his son, and in the absence of any child of his son he receives the entire residue after satisfying other shareholders' claim. When there is a son, a daughter receives ½ of a son, and in the absence of a son, a daughter receives ½ share and if there are more than one daughter, they get 2/3rd of the estate of their father equally and the residue goes to the agnatic relations in accordance with the rule of exclusion.

In explaning the difference of shares between a male and a female, the Muslim Jurists say that the reasons for this difference is that woman inherits shares from her husband as well as from her father and also receives dower from her husband. Moreover, she has no responsiblity to maintain anybody, and in the second instances, she gets her own maintenance from her child. Another reason was that, under Islam, a widow can marry again. So, if she remarries and takes with her large share of the property of her deceased husband, there will be social problems.

However, as the years passed on, socio-economic condition changed. The underlying principles of inheritance, marriage and divorce were no longer observed by people, and as a result the situation of women deteriorated. Previously the relatives used to look after the orphans and widows, but now, they are mostly neglected and oppressed. So, in 1961, Muslim Family Laws Ordinance was promulgated as an attempt to give redress to some grievances according to the fundamentals of Islam, as the then prevailing laws governing inheritance, marriage and divorce were largely misused.

So, Law was required to protect the life and interest of the children of the predeceased's sons and daughters in order to go by the injuctions of the Holy Quran. Keeping this in view, the Muslim Family Laws Ordinance,1961 made provision for giving shares to the children of the predeceased's sons and daughters.

So far as Muslim marriage is concerned, there exists a notion that Islam allows polygamy due to thpresence of a verse in the Holy Quran (Surat-ul-Nisa-3).In fact, unrestricted unmber of wives at the time of ignorance was limited to a maximum of four, provided, one could treat them with prefect equality in material and immaterial things as well as in the affection. As this condition is most difficult to fulfil it is understood that the Quranic recommendation is towards monogamy and not towards polygamy. This condition was misused by men, and Quranic instructions were violated by them. So, to keep the spirit of the Holy Quran, certain changes in the marriage and divorce law become necessary. The Muslim Family Laws Ord.196

also restricted polygamy, raised the marriageable age of girls from 15 to 16 years (4), added new grounds for dissolution of marriage by wives. According to Section 6 of the Muslim Family Laws Ordinance, 1961, the husband must have the permission from the Chairman of the Arbitration Council, if for any reason, he wants to marry again during the existence of previous wife. Such violation is a ground for divorce under the Dissolution of Muslim Marriage Act, 1939. Moreover, the husband is also liable to be punished by fine and imprisonment and he is bound to pay the entire dower money immediately, and if he does not pay, then the money is recoverable under Certificate Procedure as arrears of land revenue. Though the husband is liable to be punished for violation of law, the Act has not made such marriage as invalid.

It may be mentioned that the women does not lose her right by marriage, neither it is mandatory for the wife to take the surname of her husband. The Holy Quran expressely states that the wives have similar rights on their husband as the husbands have on their wives. Muslim marriage is regarded as a contract and a religious rite, consent of the parties to marriage (except in case of minors for whom the consent is given by the guardians) is essential. However, marriage of a minor attracts the penal provisions of the Child Marriage Restraint Act, 1929 (discussed later on). So far as property right is concerned, a Muslim women does not lose her right to property by marriage. A Muslim

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(4) However the marriageable age of girls and boys is recently again raised by the child Marriage Restraint (Amendment) Ordinance 1984. (discussed later on).

husband can sue for restitution of conjugal rights. But in a recent decision made in Nelly Zaman VS. Giasuddin Khan[5] the High Court Division of the Supreme Court held that direction for restitution of conjugal rights of relationship between husband and wife no longer holds good and is opposed to the constitutional provision. Unilateral plea for forcible restitution of conjugal rights is also violation of the principle of equality between man and women as laid down in the constitution.

Muslim Family Laws Ordinance , 1961 under Section 7 has provided that, whatever may be the form of talaq,(divorce) the husband has to give a notice to the Chairman of the Union Council (now union Parishad) and to supply a copy thereof to the wife. The talaq pronounced shall be effective only on the expiry of ninety days from the day on which the Notice is served to the Chairman. It is open to the husband to revoke the talaq at any time before it becomes effedtive. A husband or wife can remarry each other again without having the wife to go through an intervening marriage with a third person unless such termination by talaq is for the third time so effective. But, the change brought by the ordinance are not as they should be. It seems that the changes brought by the Family Laws Ordinance are not still known to the people in general and even those who know are not willing to follow the provision of Law. The Muslim Marriages and Divorces (Registration) Act, 1974 , which is applicable to all Muslim citizens of Bangladesh, provides for registration of marriages and divorces. But, it does not make any marriage as illegal or void for non-registration. Again, under section 6(3)of the Act, it is provided that registration of divorce is only possible on production

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(5) Nelly Zaman vs. Giasuddin Khan, 34 D.L.R. (High Court Division) p.221.

of documents. Therefore, unless there is Talaq-i-Tawfeez, in the marriage deed, the wife cannot register divorce and the Act has got no application, and in such cases.

The Bangladesh Govt. has taken various legislative measures at different times prior to the ratification of the UN Convention to improve the condition of women - to stop violence, deprivation and illegal trafficking against women which comply with the provision of the Convention. The following are the most frequently mentioned among the legislative measures taken during the Decade: -

Dowry Prohibition Act, 1980 (Act No.XXXV of 1980).

Section 2 of the Act defines "Dowry" as any property or valuable security given either directly or indirectly by one party to a marriage to the other party or by the parents of either party to marriage or by any other person at or before or after the marriage as consideration for the marria of said parties, (except dower money or "mehr" under muslim marriage).

According to the Act, if the husband or one of the parties to the marriage takes, gives or demands dowry from the other party at or before or after the marriage as consideration for the marriage;

Then, the person commits an offence under Dowry-Prohibition Act, 1980.

'Dowry' means any property or valuable security given either directly or indirectly :-

(a) by one party to a marriage to the other party to the marriage, or

(b) by the parents of either party or by any person

to either party to the marriage at the time of, or before, or after the marriage as consideration for that marriage (but does not include Muslim dower money or "Mehr").

Under the Act, the complaint petition must be filed with one year of the offence, Magistrate, 1st Class tries the offence under the Dowry Prohibition Act, 1980.

The punishment for giving or taking of dowry or demanding dowry directly or indirectly is imprisonment which may extend to one year, or with fine which may extend to five thousand taka or with both.

The Muslim Family Laws (Amendment) Ordinance, 1982.

This Ordinance has amended Section 2 of the 'Muslim Family Laws Ordinance', 1961 by amending the Word Chairman under this amendment "Chairman" means the Chairman of the Union Parishad or Paurashava or a person appointed by the Government in the Cantonment areas to discharge the functions of a Chairman. The "Chairman" or the Arbitration Council has a vital role to play in care of polygamous marriage and Divorce. The amendment has restored the function of the Chairman of the Arbitration Council which was made nugatory for long ten years due to the absence of the interpretation of the Word Chairman. This Amendment Ordinance has also provided for increased punishment for non-observance of the mandatory requirements of the Ordinance in case of polygamy and talaq.

(3) Cruelty to Women (Deterrent Punishment) Ordinance, 1983.

The Act has made it a punishable offence to kidnap or abduct a woman of any age for the purpose, inter alia, that

such woman shall be employed for the purpose of prostitution or for any unlawful or immoral purpose. It may be wort to note here that keeping in view of the provisions of Article 6 of the Convention on the Elimination of all forms of Discrimination Against Women, this Act has also made it offence for trafficking in women. Section 5 of the Ordinanc has provided that whoever imports, exports, sells, lets, hires, or otherwise disposes of or obtains possession of any woman of any age with intent that such woman shall be employed or used for the purpose of prostitution or for any unlawful and immoral purpose to be punished with transp tation for life or with imprisonment which may extend to fourteen years and shall also be liable to fine. Amongst other, this Act under Section 6 has also provided for capit punishment for a husband or his relatives for causing death or attempt to cause death or grievous hurt to the wife for dowry. Causing death in committing rape is also punishable by death or transportation for life and also with fine.

The Penal Code (Second Amendment)Ordinance,1984 (with effect from 20th March, 1984).

The amendment of the Penal Code by adding a new Section as Section 326 A of the Penal Code, has been made to protect the people and the women in particular from attack by corrosive substance by providing capital punishmen The Ordinance has provided that whoever voluntarily causes grievous hurt in respect of both eyes, head or face by means of corrosive substance shall be punished with death or transportation for life and with fine.

Child Marriage Restraint (Amendment) Ordinance 1984 (with effect from 4-6-1984).

The Ordinance has amended Child Marriage Restraint Act 1929 raising the marriageable age of females from 16 to 18

Years and males from 18 to 21 years. Section 4 provides for punishment for male adult above twentyone years of age for marrying a female child i.e. who is (below 18 years of age) and a female adult for marrying a male child (i.e. who is below 21 years of age).

The Actual, General, Administrative and other conditions.

Bangladesh is one of the pionner countries in the Asia Pacific Region to have placed extraordinary emphasis on raising the status of it's Women population by appointing a Women Adviser to the President as far back as 1975 and subsequently establishing a Ministry of Women's Affairs in 1976. The Government gave serious attention on Women's Development and the present Ministry named as the Ministry of Social Welfare and Women's Affairs was strengthened and administatively reorganised in 1982 has undertaken a number of programmes to implement policies and programmes relating to Social Welfare and Women's Affairs and to improve status of women and children in general and the destitute, socially and physically handicapped women and children in particular. Official policies and Government support has played a major role in enhancing the role of women. Bangladesh firmly believes that development in the truest sense cannot be possible unless the vast half of the women population are equally integrated into the mainstream of the national development process.

Establishment of Women's Affairs Directorate and its activities under the Ministry of Social Welfare and Women's Affairs.

The war of liberation in 1971 left Bangladesh devastated and its economy shattered. Many women lost the male earning members of their families and also the sources of their income. In order to help them, the National Board of Bangladesh Women's Rehabilitation Programme was constituted in 1972 and in 1975 was transferred into a statutory body, i.e. the Bangladesh Women's

Rehabilitation and Welfare Foundation. It was established with a view to rehabilitating the women affected in the war of liberation through vocational and technical trainin The Foundation started 33 centres in different parts of Bangladesh and took up development schemes such as use of vocational training in Family Planning. Thana level Cottag Industries Training and Production Centre and agro-based training and production centre for women etc. The Foundati being the first Government sponsored machinery played an active and meaningful role in socio-economic development of women.

Another Organisation named National Women's Organisa Bangladesh Jatio Mohila Sangstha was set-up in 1976 to formulate policies regarding over-all socio-economic development specially regarding economic and equal status of women. This organisation has got its branches in the District and Upazila level. This organisation has been working for socio-economic development of women in various fields and providing leadership training.

The Second Five Year Plan (1980-85) of the Government of Bangladesh emphasised the importance of women's develop as an integral part of national development . During the years from 1981 to 1985 the schemes for particpation of wo in income-earning activities, rehabilitation of destitute of women, Training of Women Teachers for Primary Education and Day-Care Centres for children were taken up for implementation. 3 Career Women's Hostel at Dhaka, Chittagong and Rajshahi were constructed within this period. 6 NGOs were also taken up for rendering services to the poor women and children with the assistance of UNICEF. 38 Union Development centres were run by NORAD's assistance. 200 Upazila Level Ctottage Industries and Training Centres were fully established during the period. Agro-based Training Centre for women has also made satisfactory progress .

It may be noted that most of the projects mentioned above are still going on for the over-all development of women.

Activities of Women's Affairs Directorate.

1. Department of Women's Affairs act as the principal office of the women's affairs sector of the Ministry of Social Welfare and Women's Affairs.

2. To help the Ministry in deciding principles on Women's Affairs and to help the Ministry to implement those principles.

3. To implment and evaluate the projects which the Ministry requires the Directorate to perform.

4. To look after matters relating to women's status, Shariat and other legal and social rights.

5. To attend to the problems and affairs of women.

6. To organise women in such a manner so that they may participate effectively in its socio-economic development.

7. To lookafter welfare of the women including employment opportunities for women.

8. To motivate women to carryout their responsibilities toward themselves, their families & the society at large.

9. To take steps for controlling and registration of all women's voluntary welfare agencies.

10. To provide accommodation facilities for career and job seeking women.

11. To give assistance, in cash or kind, for the relief, rehabilitation and welfare of the beneficiaries.

12. To promote, establish, undertake and manage projects and schemes for the welfare of the beneficiaries.

13. To assist in the medical treatment of the beneficiaries.

14. To establish and maintain rehabilitation and training centres and homes for the beneficiaries.

15. To provide vocational training facilities to the beneficiaries.

16. To award scholarships and stipends to deserving beneficiaries for prosecution of studies.

17. To establish, own, manage, maintain and dispose of the industrial or commercial undertaking for the benefit of the beneficiaries.

18. Receive money, securities, instruments or any other movable or immovable property for and on behalf of the Department.

19. Purchase, sale, endorse, transfer negotiate or otherwise deal in securities approved by the Ministry

20. Raise loans for its enterprises and undertakings and for this purposes pledge, hypothecate, mortgage or otherwise charge the properties of the department with the prior approval of the Ministry.

21. Enter into contracts & agreements and execute necessary documents with the prior approval of the Ministry.

22. Any other work as and when given by the Ministry.

Technical/Vocational Training Programme:

Main objective of the training programmes is to trainup all the educated and uneducated women through vocational & skill development training in order to encourage them to be self reliant. Already in 22 districts and 27 sub-districts different types of training programme are going on and moreover programmes have been taken up in other 136 sub-districts.

The said programme has been divided into two :

1. Training
2. Research and Evaluation.

Training has been divided into two :

a. Non-formal education (Compulsory).
b. Technical or vocational training programme.

Subjects included under non-formal education programme :

a. Family Planning.
b. Health and Nutrition.
c. Mother and Child care.
d. Self reliance.
e. Adult literacy.
f. Home management and social development.
g. Co-operatives.

Social Welfare Programmes for women before ratification of the Convention.

The Department of Social Welfare has been running a programmes for the welfare of women and children alongwith its various other activities for the welfare of socially, economically and physically handicapped and mentally retarded people of the country since Independence. Upto 1984 a

considerable number of women and children were directly benefited from these services.

As a matter of fact, one of the major components of the activities run by the Department of Social Service under the Ministry of Social Welfare & Women's Affairs is welfare of women and children.

Of the programmes adopted by the Department of Social Welfare specially for women and children the followings may be mentioned :-

Use of rural mothers Centre established under the Rural Social Services Programmes, for population activities through income generating programmes for rural poor women (World Bank assisted programme). The number of rural women benefitted upto 1984 was 119000.

In Mothers Centres for rural poor women under under Rural Social Services projects to raise their standard of living through different socio-economic programmes, the number of beneficiaries upto 1984 were around 60,000.

Sarkari Shishu Sadan(Govt. Orphanage) For Training And Rehabilitation of Orphan Children. The number of children benefitted upto 1984 were about 11308 of which 4,500 were girls.

Destitute Women's Welfare Centre(Vagrant Home) For Training And Rehabilitation of Destitute women. The number of destitute women beneficiaries upto 1984 were 1625.

Besides, about 8,000 (eight thousand) non-governmental Organisations are covering on this different Social Welfare programmes and activities which primarily benefit women and children.

PART - II

SUMMARY OF STEPS TAKEN AFTER RATIFICATION UPTO PRESENT PERIOD

Legal condition (since 1984 after ratification of the Convention).

THE MUSLIM FAMILY LAWS (AMENDMENT)ORDINANCE, 1985 (ORDINANCE XIV OF 1985) with effect from 13-3-85 various cases have been tried under Dowry Probibition Act 1980, under Cruelty to Women (Deterrent Punishment) Ordinance 1983 and under Penal Code (Second Amendment)Ordinance, 1984. In 1985, in a number of cases of attack by Corrosive Substaence i.e. (Acid) the Courts have pronounced that the convicted person's property would be confiscated for the benefit of the victim. The Ordinance has amended Section 2 of the Muslim Family Laws Ordinance, 1961 by amending that Chairman means 'the Chairman of the Union Parishad: the Chairman of the Paurashava, the Mayor or Administrator of the Municipal Corporation where the Union Parishad, Paurashava or Municipal Corporation is suspended the person discharging the function of such Parishad, Paurashava or Corporation or, as the case may be,appointed by the Government to discharge the functions of Chairman under the Ordinance".

The Family Courts Ordinance, 1985 (with effect from 15th June, 1985.)

The establishment of Family Courts is an epoch making step in the country's history and in the development of women particularly rural poor women. The salient points of this ordinance are as follows :-

All Munsifs (civil trial court judges) are now the Judges of the Family Courts. The Family Courts are trying cases relating to marriage, divorce, restitution of conjugal rights, dower, maintenance, guardianship and custody of children. This Ordinance provides for speedy disposal of cases at much lesser expenses which would benefit women particulary the rural poor women.

Provisions are there for pre-trail reconciliation between the parties. There is also provision for trial in camera in cases where both the parties want it or the court deems it proper. Uniform court fee of Tk. 25/- is required for filing all kinds of cases in the Family Courts. A pardanashin lady can be represented by her duly authorised agents. Suits before the Family Court can be instituted within the local limits of whose jurisdiction the cause of action wholly or partly arises or both the parties reside or last reside together and suits for Divorce, Dower money (Mehr) and Maintenance can be instituted before the courts with whose jurisdiction the women ordinarily resides. Before the beginning of the trial, the court shall attempt to make a compromise. If reconciliation is not possible, the case will be tried.

The Finance Ordinance (Ordinance XXXII/85) with effect from 30-6-85.

Finance Ordiance, 1985 (Ordinance No. XXXII/85) (with effect from 30th June, 1985) has repealed the gift Tax Act 1963 (Act XIV of 1963). This has been done amongst other objects, to encourage the parents to make gifts to their daughter during the life time without levy of any gift Tax. Previously, the parents were hesitant to make any gifts to their daughter even if they have no son as gifts were subject to gift Tax which acted as detriment to the wishes of the parents. This will facilitate the women class as a whole to become owner of the properties.

Women's political & other conditions at present.

In May, 1985 the Upazila Parishad election was held and 3 seats were reserved for women in addition to open entry through election. Municipal and Local Union Parishad have 10% seats reserved for women in addition to equal opportunity at open election, 30 seats are reserved for women in the parliament. It may be mentioned that some of the political parties are headed by women.

Number of women are coming forward in the Legal profession also and other fields which were not explored before. In August, 1984 the number of Lawyers enrolled before the Supreme Court of Bangladesh(High Court Division) were 1399 of which 33 were female lawyers. Again the number of lawyers enrolled before the Supreme Court (Appellate Division) was 160 out of which 158 were male and 2 were female lawyers. Barrister (Mrs.) Rabia Bhuiyan, the Minister for Social Welfare & Women's Affairs was the first amongst women lawyers to be enrolled before the Supreme Court (Appellate Division) before joining the Cabinet.

The number of female Magistrate is around 97 and number of female Munsifs (Civil Trial Court Judge) in the Judiciary is around 45. Very recently two women have been appointed as Assistant Police Commissioners.

Equal Wage for equal work is the recognized policy of Bangladesh Government. Of the approximately 2,500,000 employed women, 200000 work in urban areas. Some 90% of these women are employed in professional, technical, administrative and managerial categories (Statistical year book 1984-85, published in December, 1985). With spread of education and Government Policy support, the number of female employees is increasing rapidly. Major steps taken in augumenting employment of women are reservation of 10% of all government gazetted posts and 15% of non-gazetted posts, raising the maximum age limit at recruitment from 27 to 30 years in case of women, lifting of the

bar on women's entry to civil service, police and armed forces (medical corps). Four working women's hostels have been set up in major cities to solve the problem of their accommodation. In addition, for increasing the scope of women's self-employment, extensive programmes for credit, supply of raw material, marketing facilities and skill training have been undertaken by both Governmental agencies. The number of women in non-traditional jobs such as mills, factories, construction works, plantations, expanding garment industries, pharmaceuticals, electonics and other small scale trades and business has increased significantly over the last few years. The Germeen Bank (Rural Bank) has been particularly active in aiding disadvantaged women through small loans to undertake various income-generating projects. Department of Social Services and others have been providing similar facilities to both rural and urban women. The Food for Work Programme employ approximately 25,000 women seasonal workers in construction, digging, repair and maintenance work. Under Vulnerable Group Feeding (VGF) Programme some 3,25,000 women are receiving skill training. In addition the Rural Maintenance Programme and Post Monsoon Rehabilitation Programme of the Ministry of Relief and Rehabilitation is employing about 40,000 women during the year. The Programmes will ultimately cover about 60,000 women.

EDUCATION : The Government of Bangladesh has taken various important steps such as reserving 40% of all Government scholarships for women students at schools and colleges; 50% seats in the Primary Teachers level with provision of residential facilities and relaxation of qualification in recruitment of female teachers. These measures have resulted in a marked increase of women enrolment in formal

educational institutions at all levels. 3.34 million female students (age group 5-24) are currently enrolled as against 5.58 million male. Recognising the importance of non-formal education and skill development for women, the Ministry of Social Welfare & Women's Affairs have established (within Social Welfare Deptt.) 16000 mothers clubs, women's groups, vocational training centres for women in both urban and rural areas where literacy and numeracy classes constitute an integral part of various activities. Some 5000 centres/clubs will be established over the next three years with the Rural Social Services programme of Department of Social Welfare. Other Ministries and Non-Governmental organisations are also serving such activities.

Health and Family Planning :

The Government has adopted the slogan "Health for all by 2000 AD", and placed great emphasis on Primary Health Care programme and expanded Programme on Immunization. Women constitute the major target group both for service organization and delivery. Maternal and Child Welfare Centres, Family Welfare centres, Rural Health Complexes and Dispensaries promote health measures for women and children directly, besides the expanding hospital facilities accessible to all.

Fast population growth has been recognized by Government as the number one problem of the country. Consequently, Family Planning Programme has been given top priority. Extensive motivational and services delivery activities have been introduced which has resulted in providing protection to about 25% of the fertile couples. By the year 2000 the current growth rate of 2.36% is planned to be reduced to 1.8%.

Women's Development Programmes since Liberation upto present period.

Experts, technicians and teachers are involved in the training programmes of the Women's Affairs Department of the Ministry of Social Welfare & Women's Affairs. Each Training centre has day-care & WAD centre to lookafter the children of the trainees/production workers during their training period. Each training centre has a sale centre for sales & promotion of the produced items by the centre.

Through this training programme women are trying to become self reliant in all sphere of life. In many cases it is noticed that due to such programmes, women are becoming solvent and therefore most of the husbands who have been separated from their wives for long are eager to take back their spouse again. Similarly trained unmarried girls are also rehabilitated easily.

Career based Training

Besides the technical/vocational training the secretarial science course is going on in Dhaka, Chittagong, Bogra and Comilla.

Vocational Training Programme

Radio and Watch repairing course is going on in Rajshahi district. A short list of the projects is given below :-

Name of the Projects.

1. Socio-Economic Development Projects (38 centres).
2. Agriculture based on Rural Development Programme.
3. Teachers Crash Training Programme for Women in Centres covering (all districts)
4. Participation of Women in Income generating Activities (84-85)
5. OTJCA Agriculture Training Centre for Women (Recent Project).

Name of the Projects.

6. Use of Vocational Training for Population Control.

7. Day Care Centres for working mother-32 working centres.

8. Upazila level cottage industries (Training and Production Centre)

9. Non-Government Organisation Community based services for poor women and children (selected (NGO's).

10. Secretarial Science Course.

11. Other Vocational Trades.

A considerable number of women have been benefited out of those projects. For example in Upazila Level Cottage Industries (Training-cum-production centre) about 12,350 women have been trained upto September, 1985.

The offices under the Department of Women's Affairs are Training based. Training in Secretarial Science Course and other trades are imparted in these offices and a large number of women have been trained so far.

A Departmental Sales Centre "Angana" has been opened recently under Women's Affairs Directorate at Eskaton Garden Road, Dhaka to display and sell the goods produced by the Production/Training centres of Districts and sub-districts of the Women's Affairs Department.

Name of the on-going Projects under 3rd Five Year Plan.

1. Career Women's Hostel, Khulna.
2. Non-Government Organisation Community Based Services for Poor Women and Children.
3. Development of Day Care Services.
4. Socio-Economic Development Project for W...
5. Use of Women's Vocational Training for Population Education and Control.
6. Participation of Rural Women in Income Generating Activities.

Name of the proposed project proposal under 3rd Five...

1. Watch and Radio Repaid and Assembling for Women at Divisional Level.
2. Trainers Training on Cane and Bamboo, Weaving and Embroidery.
3. Mapping of an Upazila for Social Development and Employment of Women (Sonargaon).
4. Women's Multi-purpose Development Complex, Palashbari Kirani, Savar.
5. Training and Rehabilitation of Socially Handicapped Women. At the moment it will be considered as a pilot project for one year. It is expected to be extended on successful completion of the present Project.
6. Strengthening Activities of Training Section of Women's Affairs Department.
7. Setting up a Monitoring Cell including Computer Services.
8. Introduction of Mobile Training Team.
9. Non-formal Education Programme including Health, Nutrition, Family Planning etc. and House Nursing.
10. Legal Literacy Programme for Women in Rural Areas.
11. Basic Community Services including Water Supply and Sanitation in Selection Area.

12. Setting up of Production Sale Centre one sale centre- already opened.

13. Development of Day Care Services for the Children of Working Women-mothers.

14. Development of Early Child hood care and education services.

15. Evolving Community participants on MCH and FP Programme through Vocationally Trained Women.

16. Career Women's Hostel.

17. Shishu Academy.

18. Women in Agriculture in Asia selected project in Sonargaon Upa-zila for raising of Poultry and duck farming.

SOCIAL WELFARE PROGRAMMES FOR WOMEN

One of the major components of the activities run by the Department of Social Services, which is one of the field organisations of the Ministry of Social Welfare and Women's Affairs is welfare of women and children. The on going programmes of the Department specially for women and children are as follows :-

Sl.No.	Name of the programme	No. of units
1.	Use of rural mothers centres, established under the Rural Social Service Programme for population activities through income generating Programmes for rural poor women (World Bank assisted programme).	1000
2.	Small socio-economic projects for self employment of rural poor women to raise their standard of living under Rural Social Services Projects.	2000
3.	Small Socio-Economic projects for employment of rural poor women for improving the standard of living of mothers and children with UNICEF assistance.	65

4. Small Socio-Economic projects for urban poor women under Urban Community Development projects

(a) With assistance of UNICEF

(b) Without the assistance of any donor.

5. Small Socio-Economic projects for rural poor women with the assistance of International Union for child welfare.

6. Sarkari Shishu Sadan for training and rehabilitation of orphan children.

7. Destitute Women's Welfare Centre (Vagrant Home) for training and rehabilitation of Destitute Women.

8. Day Care Centre for taking of children of poor working mothers.

9. Baby Homes for welfare of the parentless children.

10. Socio Economic Centre for women.

11. Blind schools for Children

12. Deaf Schools for Children

13. Integrated Educational Programme for the blind children.

14. Destitute Children Rehabilitation Centre.

Upto 1985, 13,8480 women and children benefitted from the above services. Since 1985 onward more and more emphasis has been given on the welfare of women and children and they are being helped through those activities for improving their knowledge and skill which will help them to stand on their own feet andlive as contributing members of families and society.

One major steps taken by the Government of Bangladesh in the establishment of Supreme Council for Mothers and Children in 1984 for moral, physical and cultural welbeing of the children and Mothers. The aims, interalia, to identify the problems of the children and mothers, suggest measures for the solution to the same, and suggest policy measures and help implementation of programmes relating to maternal and child care, health, nutrition, sanitation, child education, child delinquency, environment, rehabilitation of handicapped children, prevention of child labour and adopt measures for welfare of the children and mothers and undertake research and studies relating to children and mothers. The council is headed by the President of Bangladesh. The Ministry of Social Welfare and Women's Affairs is co-ordinating the activities of concerned Ministries and Divisions and NGOs engaged for the welfare of children and mothers.

Another epochmaking step taken by the Department of Social Welfare under the Ministry of Social Welfare & Women's Affairs is the establishment of a Centre for the rehabilitation of the prostitutes. In Mid-1985, the Department of Social Welfare has taken up a bold step to rehabilitate a number of under - aged prostitutes rescued from different areas and brought them in a vagrant centre at Mirpur, Dhaka. The vagrant centre has been re-named as the Training and Rehabilitation Centre for Socially Handicapped.

Initially the total number of prostitutes were 142 who were given necessary medical treatment. Among them 26 were handed over to their reliable guardians and the rest 128 are still in the training centre and are being given training in different trades and skills such as Batik print , Screen print, Embroidery, Tailoring, Sewing and flower making etc. In addition to this training programme, the centre has also made necessary arrangement for general, religious and physical education.

The Ministry has also drawn up a long term scheme to rehabilitate these girls in the society which has been reflected in the Third Five Year Plan.

During the Third Five Year Plan, which commenced in July,1985 most of the aforesaid activities of Social Service Department will continue under regular (revenue) budget of the Government . Some of those programmes are taken up under Development projects for their improvement and expansion. In order to do so following projects are identified in which welfare of women and children also form built-in components; i.e.

Name of the Projects.

1. Rural Social Services Phase-II & Phase-III.
2. Training and Rehabilitation of Vagrants (Destitute Women).
3. Institute of Mentally Retarded Children (Being Implemented by an NGO).
4. Training and Rehabilitation of Deaf (Being implemented by an NGO).
5. Development of Social Services Phase-II.
6. Bangladesh Institute of Research and Rehabilitation in Diabetic(BIRDEM) (Being implemented by an NGO).
7. Institute of Geriatric Medicine and Research (Being implemented by an NGO).
8. Community Based Family Welfare Services, motivation and Research through mother and Child care (Being implemented by an NGO).
9. Special Complex for Education,Training and Rehabilitation of Physically and Mentally Handicapped.
10. Conversion of existing Shishu Sadan into Children Parlours(under 500 childrens village concept).

11. Disabled Children's Home(To be implemented by an NGO).

12. Vocational Training,Research and Rehabilitation Project for the Blind (To be implemented by an NGO).

13. Training and Rehabilitation for Delinquent Children and released prisoners.

Besides, a large number of NGOs out of a total of about 8000 functioning in the country are engaged in the welfare activities of women and children in various spheres of life . Some of these NGOs are being assisted by the National Covernment as well as Foreign Governments,NGOs and through grants in Aid Programme for running their activities.

SPECIFIC INFORMATION IN RELATION TO EACH PROVISION OF THE UN CONVENTION SO FAR.

In February, 1985, Barrister Rabia Bhuiyan was appointed as full Cabinet Minister for Social Welfare and Women's Affairs. Due to her initiative, a number of women top officials in different organs of the Government particularly in the Women's Affairs Directorate of the Ministry of Social Welfare and Women's Affairs (as Director and Additional Director) were appointed. Besides, the Women's Affairs Directorate is being run mostly by women officials. During the World Conference held at NAIROBI in July, 1985 - a large number of Women Official Delegates headed by Barrister (Mrs) Rabia Bhuiyan, the Minister for Social Welfare and Women's Affairs actively participated in the World Conference. A large number of women NGOs from different Women's Organisations also attended. It may be noted tht Bangladesh sponsred, co-sponsored a number of recommendations as well as made important additions to the Forward Looking Strategy Document (FLS) in the World Conference at Nairobi, Kenya.

Bangladesh also attended all the three sessions of the Preparatory Body for the World Conference as well as the Regional Preparatory Meeting in Tokyo.

In Bangladesh, the Government supports the efforts of the women's movements within its comprehensive national development schemes. The nation-building activities emphasises income-generating activities for women and to establish links between women's groups engaged in production activities and Government Departments.

From the discussions made in Part I & II it may be submitted in precise words that :-

(a) that Consitution and general legislations of Bangladesh confirm with the provisions of Article I of the UN Convention ,

(b) With reservation of Article 2 of the UN Convention , the Bangladesh Government is implementing the provision of Article 3 of the Convention. From the discussion made in the previous chapter it is evident that the Government is taking all appropriate measures in all fields, particularly in the legal, political, social and economic fields to ensure the full development and advancement of women for the purpose of guranteeing them the enjoyment of human rights and fundamental freedoms on the basis of equality with men i.e. under Article 31 equal right to protection of law and under Article 32 equal right to life and personal liberty.

(c) The Government of Bangladesh has made equal opportunity and treatment for men and women and has also made temporary special measures aiming at accelerating de-facto equality between men and women by reserving 10% gazetted posts and 15% non-gazetted posts for women in addition to their equal right to open competition.

Special measures have also been taken for portecting maternity such as the Maternity Benefit (Tea Estates) Act, 1950 which under Section 3 and 4 prohibits work by

women during certain period and provides for maternity benefit to a mother for 6 weeks before and 6 weeks after child birth. Similarly, the Mines Maternity Benefit Act, 1941 provides for benefit to women workers in mines during pregnancy and after delivery.

The provisions of Art,5 of the Convention are also being implemented . The government of Bangladesh is taking all necessary steps to create awarness among men and women to achieving elimination of prejudices based on the idea of inferiority of women and to emphasize the equal role of father and mother for the overall development of the children and the family particularly in the sphere of health, education, family planning. As per Article 6 of the convention , it may be stated that the government of Bangladesh has taken legislative measures to suppress all Forms of traffic in women and exploitation of prostitution of women by promulgating the Cruelty to Women (Deterrrent Punishment Ordinance,1983) discused in part 1 of the report. Besides, the Directorate of Women's Affairs, of the Ministry of Social Welfare & Women's Affairs has undertaken a huge project to rehabilitate the prostitutes through vocational training and income generating programes.

In Bangladesh, the women in politics enjoy equal rights with man . The government has ensured woman on equal terms with man, the right to vote in all elections and to participate in the formulation of policy and to hold public office and perform all public functions at all levels of the government. The women are eligible to become Ministers Secretaries, Departmental Heads of the government and to compete in the Presidential election. The rights are guaranteed as fundamental rights by the Constitution,

statutes and policy of the government. Women have absulute right to do politics and to associate with any organisation (discussed earlier).

The provisions of Article 8 of the convention is being implemented. The government of Bangladesh has regularly allowed women delegates and women Minister to represent the government at the International Conferences and at the United Nations and to participate in the Work of the Inaternational Organisations without any discrimination. In the world conference at Nairobi,Kenya, on the Decade of Women Barrister (Mrs.)Rabia Bhuiyan, the Minister for Social Welfare and Women's Affairs attended the conference as head of the Bangladesh Delegation. Similarly at the ESCAP Ministerial Conference on Social Welfare & Social Development held at Bangkok,Thailand in October, 1985, the Social Welfare and Women's Affairs Minister was the head of the Bangladesh Delegation.

Article 9 is applicable in Bangladesh. Marriage to on alien does not automatically change the nationality the wife.

There are Constitutional and legislative provisions which accord with the provisions of Article 10 of the UN Convention. The Government of Bangladesh has ensured women's equal rights and opportunities with men in the field of education and career. The same curricula in examination and opportunities to benefit from scholarships has been provided for women. The Same access to education has been provided in the Constitution of Bangladesh. under Article 17 universal and free education and Article 19(1) equality of opportunity are taken as fundamental principles of state policy. Freedom of profession or occupation has been guranteed under Article 40 of the constitution of Bangladesh.

far as the provisions of Article 11 of the UN Convention are concerned the Government of Bangladesh has provided equal opportunity and equal wage for women in the field of employment under Article 29 of the constitution. The right to protection of health and safety in working conditions and provided by the laws of the land. Work has been considerd as a right and duty for every citizen and is a fundamantal principle of state policy under Art.20 of the constitution. Under law, there is no provision for dismissal on the ground of pregnancy or maternity leave. The women of Bangladesh have right to free choice of profession, employment, same right to promotion and to all benifits of service and vocational training.

Provision of Art.12 of the UN convention particularly 12 (1) is operative in Bangladesh. The government of Bangladesh is providing equal facilities to health care services to women by providing [illegible] Health Complex, Mothers Club, M.C.H. (Mother Child Health) centres, Family planning centres etc. (described earlier). The Bangladesh government is determined to achieve 1.8. growth rate by 1990 and to provide health for all by 2000 A.D. Programmes (activities are described in short in Part I & II).

It may be stated that with exception to clause (a) of Art.13, of the UN Convention, the women in Bangladesh have equal right to bank loans, mortgage and all forms of financial credits. The women have the equal right to participate in sports and cultural life. There is Bangladesh women's Sports Federation where women take part in running, swimming, badmington, chess, dance, song and other cultural activities.

The provisions of Article 14 of the UN Convention being followed in Bangladesh . Rural development and agricultural revolution is a fundmental principle of state policy. The Government is particularly aware of

the problem of rural women. Amongst others, the Grameen Bank (village Bank) credit facility has, to a notable extent, benefited rural women folk to make them self-reliant. Women's co-operative societies like "Kurilli" are providing vocational training, production and marketing facilities to rural women and making them self help to and self employed. The constitution of Bangladesh has assured under Article 27 the equality of men and women and under Article 42 the rights of property of every citizen. Women enjoy equal rights to conclude contracts, administer property, sale and purchase as well as equal rights in all stages of procedure in tribunals, courts including Supreme Court of bangladesh under the law of the country. Men and women enjoy equal rights under constitution to move freely and they have freedom to chose their residence and domicle.

The provision of Article 16 with few exceptions of clauses (c) & (f) are being implemented in Bangladesh . The Muslim man and woman have the same right to enter into marriage and to freely chose a spouse and the marriage needs free and full consent of the parties to the marriage. If marriage is made during the minority of the women, then such marriage must have the consent of her lawful guardian. A marriage during her minority i.e. below 18 years of age is punishable under The Child Marriage Restraint Act, 1929 as ammended in 1984 (discussed in Part - I). Under Control Law, both the spouses have same rights in respect of ownership, acquisition, management, administration, enjoyment and disposition of property whether free of charge or valuable consideration. The registration of marriage is also compulsory under Muslim Marriages and Divorces Registration Act,1974 (Act,No.LII of 1974). A muslim women enjoys the right to choose a family name, a profession and an occupation in the law of the land. However as has been discussed, her rights are impaired because of socio-economic and cultural reasons).

Factors and Difficulties affecting the exercise and enjoyment of each right:-

It may be noted that inspite of constitutional and general legislative provisions aiming at achieving equality for women under law, gap still remains between the provisions of the Constitution, General laws and the personal laws of both Muslims and Hindus, Again, there is a difference between the "de-facto " and " de-jure " status of women. As a matter of fact, due to the aforesaid reasons inspite of enormous efforts made by the Government , the desired change could not yet be brought in the status and role of women in the society. The main obstacles to the realization of equality is the pervasiveness of social attitudes and custom deep rooted in tradition and history. While under general law, women are entitled to equal status and educational rights to those of men, in practice, a large number of women especially, in the rural areas, still cannot enjoy equal educational opportunities or the rights which are given to them. Socio-Economic reasons, such as poverty,illiteracy, ignorance, unemployment, social attitude including traditionally defined sex role and customary practices and mis-interpretation of religion continue to impede rural women's access to equal opportunity and legal rights. Therefore in-spite of many protective laws and the enormous efforts made by the government to give the status of women, there are still cases of murder or attempt to murder for dowry (2) and cases of rape, violence on women, disfiguration or death caused by acid.

(2) State Vs. Abdul Jabber and others,D.M. Case No.793/83 under section 354/326/307/34 of the Bangladesh Penal Code. The victim Sufia struggled for her life in P.G. Hospital for months.

Bangladesh is still predominantly a rural country where about ninety per cent of the total female population live in rural areas. Against a national literacy average 22.2% per cent, male literacy number is 29.9%. While average female literacy is 13.7% only. Though laws allow equal access of women in schools,colleges,and offices at al all levels with men, but the women representation is through higher then before but has not yet reached expectaed lines.Of the two children poor parents prefer to educate a son to a daughter. Considering the meagre resources, rapid grouth of population has negative impact on the socio-economic and legal status of women(5). Again, if there is no right of talaq-e-tafweez (delegated power of Divorce) in the Kabin-nama (marriage deed) the wife has to file a case for divorce. It has been found that in the cases,such suit is followed by criminal allegation of theft against wife by the husband (6). Many people including men and women are not yet fully prepared to accept the reforms and changes made in law.

Again, even though the government has through legislation restricted polygamy and increased the penalty for marrying again without the permission from the chairman of the Arbitration Council,many wives do not prefer to go to court for legal remedy either for socio-economic reasons or for procedural complacity. In a developing

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(5) Bhuiyan (Barrister)Mrs.Rabia "Integrated Family Development in Bangladesh" , a country paper presented at the Muslim Scholars' congress on Development,Health and Population held at Jakarta,Indonesia,1983.

(6) Hemaytuddin Vs. Mahbuba Khatun,Shamim Ara and others G.R. case No.529 of 1983 under section 380 PPC District Faridpur) and Criminal Revisional Case No.23 of 1983 Supreme Court,High Court Division,Dhaka Barrister (Mrs)Rabia Bhuiyan, the Minister for Social Welfare & Women's Affairs herself appeared on behalf of the wife before assuming the responsiblity of the Ministry.

Country like Bangladesh, amidst population problem and socio-economic difficulties, the desired result can not be expected to be achieved over night. The government is determined to achieve the objective of the UN Decade. After the promalgation of the Family Courts Ordinance, 1985 (which come into effect on 15th June, 1985) the Family Courts have been spread upto Upazila level. A fixed nominal Court fee of Tk. 25/- (less than U.S.Doller) for institution of cases and less procedural complexcity have indeed, make the legal remedies more eassily available to the distressed and needy rural Women. This Act is an epoch making step towards the realisation of women's legal rights in Bangladesh. Side by side the process of attitudinal change is going on through motivation and creation of awareness among people in various ways.

As a matter of fact, the issues of legal status and equality, as it affects women of the world, is closely related to the problem of under-development, poverty, illiteracy, social condition, traditional attitude of people and the question of consciousness or awareness of women themselves. Law itself is not the root cause of Women's exclusion from or inclusion in the process of development. So, the attainment of defacto equality presupposes not only the equality under the law but also the equal access to resource, education, economic opportunity, power to participate, share as well as equal access to decision making at all levels.

That women's struggle to achieve equal right and status in Bangladesh is linked not only to continuous efforts to eliminate male prejudices but also to the overwhelming problems of population explosion scarce resources under-development and poverty, which affect in fact, access

by both men and women equally to economic opportunities, education,health and other benefits.

The situation in Bangladesh though has been steadily improving during recent years but it will take quite some time to reach the accepted level for the reasons stated above.

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UNITED NATIONS

CEDAW

Convention on the Elimination of all Forms of Discrimination Against Women

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Committee on the Elimination of Discrimination against Women (CEDAW)

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

Initial reports of States Parties

REPUBLIC OF KOREA

V.86-55566

Introduction

1. As a State Party to the Convention on the Elimination of All Forms of Discrimination against Women, the Republic of Korea submits, in accordance with article 18 of the Convention, its initial report to the Committee on the Elimination of Discrimination against Women for the Committee's consideration.

2. In traditional Korean society, until the creation of the Republic of Korea in 1948, discrimination in favour of the male based on feudal Confucianism dominated all aspects of women's lives. As a result, women had to live "from cradle to grave" subordinated to men.

3. The Constitution of the Republic of Korea, promulgated on 17 July 1948, recognized equality between men and women as one of the supreme organizing principles of the state, opening the door for the equal participation of women with men in many fields of the nation's life. Women thus were emancipated from ages of discrimination, leaving behind them a dark, oppressive and closed world.

4. As results of measures taken thereafter by the Government of the Republic of Korea in accordance with the constitutional principle, the status of women in Korea has undergone enormous changes, and accordingly discrimination against women in political, economic, social, cultural, and other fields has largely been eliminated.

5. The adoption of the Convention of Elimination of All Forms of Discrimination against Women by the United Nations General Assembly in December 1979, with its worldwide significance to the further improvement and enhancement of the status of women, has greatly changed public attitudes in Korea towards the ideal of sexual equality and the concept of women's progress.

6. The Government of the Republic of Korea has taken positive efforts to enhance women's status on both the governmental and private level. Among the outstanding results are the following : the Labour Standards Act was partially revised in 1982 ; the Convention on the Elimination of All Forms of Discrimination against Women was signed in 1983 and ratified in 1984 ; and the Korean Women's Development Institute (KWDI) was founded in 1983 to deal exclusively with women's issues on a national level. Furthermore, after the signing of the Convention the Korean Government established the Committee of Policies for Women under the chairmanship of the Prime Minister as a further step to implement faithfully the provisions of the Convention.

7. Therefore, most of the measures to be taken by State Parties in pursuance of the Convention have been adopted and implemented in Korea. However, it has been argued that the Korean Family Law still has some provisions which are contradictory to the constitutional principle and thus discriminatory against women.
(see para. 72-76 for details)

8. In spite of the above-mentioned advances, we can not deny that it is difficult and thus time-consuming to eliminate completely the entrenched traditions of discrimination against women and also to realize fully the equal participation of women in every field.
The ratification of the Convention by the Republic of Korea, therefore, laid a firm basis to eliminate the remaining barriers of discrimination against women, including such actions as the revision of the Family Law.

9. In preparing the initial report, due attention has been paid to the general guidelines regarding the form and contents of reports by State Parties.
(CEDAW/C/7)

PART I - GENERAL

Women's Status under the Constitution

10. As mentioned in the introduction, since its enactment the Constitution of the Republic of Korea has recognized the equality of men and women as a supreme principle of the state. The principle is concretely manifested in various articles of the Constitution.

11. The current Constitution, amended in 1980, emphasizes equal treatment and equal opportunities for all persons, regardless of sex, by stating in its preamble "--- to destroy all social vices and injustices, to afford equal opportunities to every person, and to provide for the fullest development of the capabilities of each individual in all fields, including political, economic, civic and cultural life by further strengthening the basic free and democratic order ---."

12. The Constitution states in article 9 that "all citizens shall be assured of human worth and dignity and have the right to pursue happiness." It clearly bans discrimination on account of sex, by providing in article 10 that "all citizens shall be equal before the law, and there shall be no discrimination in political, econimic or cultural life on account of sex, religion on social status." Furthermore, it provides that "marriage and family life shall

be established and maintained on the basis of the dignity of the individual and the equality of the sexes" (para 1, art.34).

13. The above-mentioned articles put beyond any doubt that the Constitution, the supreme law of the country, is firmly based on the principle of equality between men and women. The purpose of these articles is strongly to advance the cause of sexual equality in all areas.

National Machinery for Women's Affairs

14. Women's affairs are usually administered by the Ministry of Health and Social Affairs and the Ministry of Labour. The office in charge of women's administration is the Women's Welfare Division of the Family Welfare Bureau, located in the Ministry of Health and Social Affairs. It sets up and arranges general plans for women's welfare and administers women's guidance and enlightenment. In the Ministry of Labour, the Women and Youth Workers Division of the Labour Standards Bureau works for the improvement of labour conditions and provides protective guidelines for women laborers. A Women Affairs Guidance Officer, who is assistant to the Vice-Minister of Labour, also deals with special protection and guidance for women laborers. There are other divisions in this regard under the Ministry of Home Affairs, the Ministry of Education, the Rural Development Administration and the Patriots and Veterans Affairs Agency. Each works on its particular issues regarding women's affairs.

15. The Korean Government founded the National Committee on Women's Policies, under the Office of the Prime Minister, in December 1983. The Committee's goal is to handle women's affairs more systematically and comprehensively by streamlining the handling of such affairs. Its major task is to set up and arrange general policies concerned with women. The Committee consists of 20 members, with the Prime Minister as Chairperson, the Minister of the Economic Planning Board and the Minister of Health and Social Affairs as Vice-Chairpersons. It includes other ministers concerned and ten privately-commissioned experts. It also has a "Working Committee" which is comprised of the Vice-Minister of Health and Social Affairs as Chairperson and some gevernmental director-generals as staff. This is designed to serve as outlet to deal with women's affairs according to each government sector, and thus to reflect them in policy-making.

16. The Korean Women's Development Institute (KWDI) was founded in April 1983 to deal exclusively with women's affairs with close ties with the Ministry of Health and Social Affairs. Its goal is to enhance the social participation of women and promote their welfare programs. The major task of its 164 staff members is to integrate women into the development process. Its major activities are to survey and do research on women, provide education for the cultivation of women's potential, foster and support women's activities, manage a resource center and publish reading materials, participate in international cooperation, and conduct an information exchange program.

17. In 1963, the Family Court of Korea was established to provide easier access for women and children to the complicated court procedures. Its main emphasis has been on mediation and conciliation between the parties, with the goals of respecting both men and women and of helping re-affirm wholesome family life.

The Long-Range Plan for Women's Development

18. The Korean Government has adopted the Long-Range Plan for Women's Development, which had been drafted by the KWDI and later considered by the National Committee on Women's Policies. The plan will be integrated into the national development program.

19. The bases of the plan are the principles of cooperation, harmony, humanization and comprehensiveness. The plan focuses on three sectors: utilizing the abilities of the female workforce, developing women's potential, and planning for the health of households. Likewise, the plan offers concrete measures according to each of its three periods; preparatory period (1975-1986), establishment period (1987-1991), and integrative period (1992-2000).

20. The measures for the female workforce suggest ways to correct or strengthen the institutions in question, to establish firmly the volunteer bank program for the development of female resources (on which the KWDI is now working), to specialize the activities of consumers' groups, and to activate women's organizations. Meanwhile, the development measures for women's potential are designed to provide equal

educational opportunities, to improve textbook contents to ensure sensible images of the roles of men and women, and to provide counselling on school advancement. The planning sector for the health of households puts forward concrete steps for the support of employed mothers, legal support systems for more secure family life, and means to establish welfare systems. It also offered some measures to seek a reasonable division of responsibilities between men and women, in order to create a harmonious home milieu and to encourage the self-development of each family member.

The Guidelines for the Elimination of Discrimination against Women

21. The Korean Government adopted the Guidelines for the Elimination of Discrimination against Women, drafted by the KWDI and considered by the National Committee on Women's Policies, as of March 1985. The guidelines contain concrete countermeasures against any possible barriers to women, such as unfair laws and systems, and against any lack of public cooperation in the process of implementing the above-mentioned long-range plan.

22. The guidelines, along with their 81 proposals, deal with the four major sectors of employment, education, health and the family life. Additional areas are now being considere A wide use of such guidelines by the government, private enterprises, and the general public will help to eliminate discriminatory practices against women as well as to improve unequal social conditions, which hinder the contributions of women to national development.

23. The Government set up a "Special Office for Women" in the Economic Planning Board in order to integrate the long-range plan and the guidelines into the Sixth Five-year Economic and Social Development Plan, which starts in 1987. Women's development was also emphasized in the "Long-Range National Development Plan Toward the year 2000" drafted by the Korea Development Institute. Thus, prospects for the development of women are quite promising, because women's affairs are increasingly being incorporated into national development programs and also treated on a policy level.

Effect of the Convention on Domestic Law

24. As regards the effect on domestic law of international conventions and other legal instruments which are binding upon the Republic of Korea under international law, the Constitution provides in article 5 that "treaties duly concluded and promulgated in accordance with the Constitution and the generally recognized rules of international law shall have the same effect as the domestic laws of the Republic of Korea."

25. Article 5 of the Constitution means that treaties concluded by the Republic of Korea and generally recognized international laws have the same effect as domestic laws, without specific legislative measures to incorporate them into Korean domestic law.

26. Since the Convention on the Elimination of All Forms of Discrimination against Women was ratified by the Republic of Korea, it therefore became part of Korean domestic law and can be invoked before, and directly enforced by the courts, other tribunals or administrative authorities of the Republic of Korea.

PART II - INFORMATION IN RELATION TO ARTICLES 2 TO 16

Article 2

27. As explained in Part I of this report, the Korean Constitution recognizes equality between men and women as a supreme principle of the state; further more, the Constitution has several articles to manifest and implement this principle concretely. The constitutional principle is applied in all spheres of Korean legislation.

Women's Position in the Labour Laws

28. The Labour Standards Act upholds the constitutional principle of equality by stating in article 5 that employers shall not discriminate against employees on account of sex. The Labour Union Act also provides in article 11 that a member of a labour union shall not be subjected to discriminative treatment under any circumstances due to sex.

29. In consideration of the physiological differences between men and women, the Constitution provides that special protection shall be accorded to working women and children (para.(4), art. 30)
The Labour Standards Act includes some provisions which are designed to protect women from hard labour in accordance with the constitutional provisions. Chapter 5 of the Labour Standards Act is exclusively devoted to provisions concerning special protection of women and children. The provisions read as follows:

Article 51-No female or minor under 18 years of age shall be authorized to engage in any work detrimental to morality or harmful to health. The prohibited kinds of work shall be provided by the Presidential Decree.

Article 56-No female or minor under 18 years shall be authorized to work between the hours of 22:00 and 06:00 or on holidays, unless otherwise approved by the Minister of Labour.

Article 57-An employer shall be forbidden to place any female 18 years or older on overtime work for a period exceeding two hours a day, six hours a week, and 150 hours a year, even if provided for in a collective bargaining agreement.

Article 58-An employer shall not place a female or minor under 18 years on any work inside a mine.

Article 59-An employer shall allow one day menstruation leave with pay per month upon the request of a female employee.

Article 60-(1) An employer shall allow a pregnant female employee 60 days maternity leave with pay before and after childbirth; provided, however, that maternity leave with pay shall be granted for use for not less than 30 days after childbirth. (2) Pregnant female employees shall be transferred to other light and easy work upon their request and shall not be assigned to overtime work.

Article 61-A female employee who has an infant under 1 year shall be allowed nursing periods twice a day of at least 30 minutes each.

Article 62-An employer shall bear the treavel expenses necessary when a female or minor under 18 years returns home within 14 days from the date of their dismissal; however, when the reason for dismissal is attributable to the employee and the employer has obtained the confirmation thereof from the Labour Committee, this provision shall not apply.

Biside these, there are other articles which stipulate guidance and relief programmes for women and children who deserve special attention. Such articles include the debauchery prevention law, life protection law, and so on.

Women's Status in the Cirminal Code

30. The only provision of criminal code, which touches upon the question of equality between the sexes, is the law concerning adultery. The current Criminal Code defines adultery as a criminal offense, which merits legal actions against both parties. Therefore, the Criminal Code contains no discriminatory provisions against women.

Article 3

31. The Constitution recognizes as supreme principles of state the guarantee of fundamental human rights, based

on a respect for human dignity; the worth of the individual; and the equality of individuals before the law. These constitutional principles are strictly and consistently applied in the political, economic, social, cultural and other fields of public life.

32. Therefore, women are guaranteed enjoyment of human rights and basic freedoms on the basis of full equality with men.

Article 4

33. A sharp rise in demands for female labour in the process of modern industrialization made it necessary to assure medical and social protection for maternity by law. The related laws are the Maternal and Child Health (MCH) Act, the Industrial Health Act, the Labour Standards Act, and the Child Protection Act. Article 44 of the Labour Standards Act, revised in 1982,defines six types of jobs forbidden to women.

The following are measures to enhance the health of both mother and child

- offering registration and management services for expect mothers and their foetus
- offering delivery aid and supplying expectant mothers wi proper nutrition
- establishing and operating MCH centers
- training MCH workers, and actively engaging in related education and publicity

- launching a maternal physical protection program for working mothers on a continuous basis.

34. Considering that the major difficulty of married women with their employment is child care, the Korean government since 1980 has established 2,195 child care centers and has assisted employed women to make use of these centers. Based on the Maternal and Child Health Act, the government is also improving services for pregnant mothers, post-natal care, and the systems of delivery and health care for infants and children. The government has constructed 71 MCH Centers to improve the health of mothers and children by increasing institutional delivery.

Article 5

35. The Korean Constitution clearly declares the principle of equal opportunity and sexual equality in the political, economic, social and cultural sectors. The spirit of sexual equality served as the basis of such laws as the Labour Standards Act, the Labour Union Act, and the Education Act. All of them have been enacted under the jurisdiction of the democratic constitution, which is committed to the cause of dignity for individuals and the equality of men and women.

The Labour Standards Act (art. 5) and the Labour Union Act (art. 11) prohibit any discriminatory treatment against labourers or union members on the grounds of sexual difference.

36. As regards family education, the importance of family and maternity is emphasized in primary and middle school education. It is also taught that the responsibility for housekeeping and upbringing of children should be shared between the sexes. Some women's organizations provide courses on parental care and on the role of the parents, which both men and women are encouraged to attend.

Article 6

37. The exploitation or prostitution of women is prohibited by law in Korea. In order to prevent prostitution, the Government enacted the Prostitution Prevention Act in 1961, the major points of which are as follows:

- Prohibition of prostitution (art. 4)
- Prohibition of pimping (art. 6)
- Establishment of a centre for the protection of prostitutes (art. 7)
- Installation of facilities for vocational training of prostitutes, leading to their rehabilitation and self-reliance (art. 8)

Under the Penal Code, arranging for prostitution is a punishable offence.

38. In Korea, there are 267 counsellors in 19 women's counselling centers throughout the nation to aid prostitutes, battered women, and women suffering from other such problems.

Article 7

39. Since the creation of the Republic of Korea in 1948, women have enjoyed the same political rights as men. The Constitution provides that all citizens 20 years or older shall have the right to vote in all elections in accordance with the provisions of law.
The Constitution also makes it clear that Korean women are eligible for election to all publicly elected bodies, by stating that all citizens shall have the right to hold public office in accordance with the provisions of law.

40. Korea has seen a steady rise of women's participation in national policy-making sectors, but not yet to a statisfactory extent.
The participation rate in such positions as government officials, teachers, and political party members is hovering above 20%.

41. As for women officials, between 1978 and the end of 1983 there was an increase of 71.3% in the number of women who held government positions. The figure represents 21.4% of the total number of officials. This is a remarkable increase over the five-year period.

42. Education is the most women-intensive area. There were around 100,000 women teachers as of 1983, representing 34% of the total. The increasing trend of women teachers has continued.

43. In the political parties, the male to female ratio of membership was 8:2 in the 1970s. The rate is now 6:4. The increase of women membership is attributable to the enhancement of consciousness among women themselves.

This was possible due to the higher educationsl networks, smaller family size, and less housework for women.

44. The number of female congresspersons in the 12th National Assembly, which started in 1985, is 8 out of 276. 24 women have passed the national judicial examination since 1951, and 3 are currently practicing lawyers, 11 are judges, and 2 are prosecutors.

45. In the press, 19, 256 women, who represent 10% of all workers engaged in the mass communication sectors,are working as reporters, producers, scriptwriters, and administrative clerks.

46. Article 20 of the Constitution guarantees freedom of association, which, like all other constitutional provisions, applies equally to men and women. Korean women participate to a very large extent in the activities of non-governmental organizations.

47. There are about 6 million members in 62 organizations which are registered with the government. The membership will increase if we calculate about 40 organizations which are not yet registered with the government. The Korean National Council of Women (KNCW), which incorporates 25 organizations currently, is also active on the international circuit with its membership in the International Council of Women (ICW) since 1960 and in the Pan Pacific and Southeast Asia Women's Association (PPSEAWA) since 1970.

48. The major activities of women's organizations are to build friendship and enhance women's potential, to provide service, to give consciousness education, health care

service, and legal counselling, to engage in religious activities to carry out consumer protection movements, and to promote international friendship and campaign for a rational economic life. The organizations tend to be increasingly specialized in nature.

Article 8

49. Korean women have the opportunity, on equal terms with men, to represent the Government at the international level. Korean women's activities on the international scence have also gained momentum, with Korea hosting many international conferences and dispatching its delegations to various international meetings.

Article 10

50. Boys and girls, men and women enjoy equal rights to and equal opportunities for education, training and vocational guidance.

51. The Constitution provides that all citizens shall have the right to receive an equal education corresponding to their abilities. (para (1), art 29)
The Constitution furthermore states that all citizens who have children to support shall be responsible at least for their elementary education, and for the education as provided by law (para(2),art 29.)

52. In view of the increasing complexity of modern life and the need to cultivate a civic spirit, it wil be necessary to develop various educational systems, in addition to formal education, so that citizens may continue to be educated throught their lives. The Constitution contains a clause calling for the promotion of adult education, vocational training, youth education, etc. (para. (5), art. 29), in order to realize the full potential of individual citizens and thus further national development.

53. In the process of industrialization, Korea saw a boost in both the schooling rate and the percentage of women students in higher education. These phenomena resulted from an increased student population, which, in turn, contributed to a steady rise of women's learning opportunities. More than 99% of boys and girls attended primary school after it became compulsory in 1948. As of 1980, the enrollment in middle schools was 92.6% for girls and 96.4% for boys. The percentages for high school were 62.2% for girls and 74.4.% for boys. At the college level, the enrollment percentages were 6.7% for women and 19.5% for men in 1983.

54. Co-education is widely practiced in school. All primary schools are co-educational, 50% of all middle schools are co-educational, and 30% of the total number of high schools include both boys and girls.

55. A Non-Formal Education Act was enacted in 1983, in recognition of the changing pace of the social structure and the limits of formal education. The Act introduced an active social education program for women on the basis of lifetime education.

There are various kinds of para-schools in Korea, including civic schools, higher technological schools, correspondence high schools and colleges, open universities, secondary schools and working student's classes attached to industries. The girls' enrollment rate hovers above 50% in these types of schools with some exceptions: the higher technological schools show a 15.5% of the girls' enrollment rate, the correspondence college showed a 34.7% level in 1983, up from 26.2% in 1974, and open universities reported 12.2% women students in 1980.

56. There are educational facilities attached to women's organizations, government-affiliated welfare facilities, press-affiliated cultural centers, and university-attached educational facilities, in addition to community centers for social development, which are attached to primary, middle and high schools, and attached libraries. Social education for women is largely centered on adult general eudation.

Article 11

57. Equality between men and women in the field of employment is also guaranteed by law. The Constitution provides that all citizens shall have the right to work (para. (1), art. 30), and that all citizens shall have the duty to work. (para (2), art. 30). The Constitution also guarantees the right to choose work by providing that all citizens shall enjoy freedom of occupation. (art. 14)

58. As regards wages for workers, it is stipulated in the Constitution that the standards of working conditions shall be determined by law in such a manner as to assure the human dignity of workers, and that workers shall be guaranteed optimum wages. The Constitution also reflects the state's strong determination to carry on vigorous social welfare policies, including medical insurance, on the basis of sustained economic growth, in order that all the people can fairly share the benefits of growth. These clauses are aimed at furthering national economic progress, while boosting the morale of workers and protecting their right to a decent life.

59. Women's participation in the economic sector increased as a result of Korea's rapid industrialization, starting in the late 1960s. It was particularly influenced by the direction of economic development, which concentrated investment in the manufactured export sector. There were 5,667,000 economically active women out of the total 14,366,000 women aged over 14 as of 1984, making a women's economic participation rate of 39.5%. Economically non-active women number 8,698,000, among whom 66.8% are housewives.

60. Women employees by industrial sector consisted of 30.1% of workers in primary industry, 23.0% in secondary industry, and 46.9% in tertiary industry as of 1984. The composition ratio of the nation's industrial structure, which was 49.5:21.4:29.1 in 1976, has changed with the primary industrial sector -- agriculture, forestry, and fishery -- on the wane. Meanwhile, there was a remarkable increase in the composition rate of the secondary

and tertiary industrial sectors, as the mining, manufacturing and service sectors gained.

61. One of the outstanding features of women's employment patterns over the past 10 years has been the increase of married women's employment. In the 1970s, most employed women were between 14 and 24 and unmarried. With the increase of students from this age group in subsequent years, they constituted only 23.9% of workers in 1984. On the other hand, the number of married women in employment kept rising; in 1984, 64.4% of all employed women were married. This phenomenon may be explained by the lower birth rate, freedom from domestic chores and child rearing made possible through improved living standards, and a greater desire for self-realization among educated women.

62. The government urges employers to provide set labour hours as stipulated in the Labour Standards Act. Efforts are also being made to improve the working environment and welfare facilities. In order to achieve full employment of the female workforce, the government has eased the Regulation on the Outlawed Job Types for Women; it has worked for structural improvements and the removal of inequality between men and women and encouraged the operation of day care centers for working mothers.

63. Korean women are receiving more chances for vocational training. The government enacted the Basic Act for Vocational Training to motivate and encourage women to take such courses. There are about 111 training schools -- public and government institutes, local training centers, and in-company

training centers -- which are training 6,951 students in about 40 categories, including electronics and industrial products. The government also plans to set up a women's vocational training center. Thus, the prospect is bright for the educational development of female workers.

Article 12

64. Men and women in Korea have equal opportunities for and equal access to health care services, including those related to family planning. In this regards, the Constitution provides that the health of all citizens shall be protected by the State. (para (2), art. 34)

65. The improvement in the health level for laborers, which is a driving force for labour productivity increases, has been closely interwoven with social economic development. Korean economic growth has improved the health level of women as well as of the general public.

66. See paragraph 29, 33 and 34 for related information.

Article 13

67. As already stated, the Korean Consitution is based on the equality between men and women, and the equality of individuals before the law. Therefore, Korean women enjoy, on an equal footing with men, the right to family benefits, the right to bank loans, mortgages, and other forms of financial credit. Korean women also enjoy the right to

participate in all aspects of cultural life, including sports.

Article 14

68. The wave of industrial modernization since the 1960s has brought about rapid changes in rural life and the rural economy. Many young people and unmarried women have migrated to cities seeking jobs there, leaving only the elderly, married women, and children behind in rural communities. Thus married women have had to assume leading roles in farming communities.
Therefore rural women have not only performed domestic work and raised children but also farmed and managed the rural economy.

69. Rural women have also taken an active part in community affairs. The mechanization of farming helped produce a rapid increase in the rate of married women's participation in rural economic activities and boosted their assistance in development through the Saemaul Undong.

70. The Korean Government adopts and implements various programmes designed to reduce the excessive workload of rural women and to support their activities and health. For example, the Primary Health Center Act was enacted to ensure that nationwide farming and fishing villages receive public medical facilities, along with health clinics which are usually staffed by nurse practitioners.

Article 15

71. Under Korean law, women and men have the same legal capacity with respect to the administration of property. In this connection, the Constitution stipulated that the right of property of all citizens shall be guaranteed. (para. (1), art. 22)

Article 16

72. In relation to marriage and family relations, the Constitution provides that marriage and family life shall be entered into and sustained on the basis of individual dignity and equality of the sexes.

73. The Family Law, effective since 1976 and partially revised in 1977, is also based on a respect for human dignity and the equality between men and women, in accordance with constitutional provisions.
Therefore, women and men largely have the same rights and duties in relation to the formation and dissolution of marriage.

74. However, the patriachal family system, handed down from the old feudalistic society, remains partially in effect in Korea. As a result, the current Family Law still contains some tradition-bound provisions of the family system in relation to:

- The family headship system;
- Prohibition of marriage between the parties whose surname and place of family origin are same;

- Definition of relatives;
- Exercise of parental authority;
- Relationships between the legitimate mother and a child born out of wedlock and between the stepmother and the stepchild;
- Sharing of property between divorced couple.

75. Since the family laws of any country are the codification of the cultural and social traditions and age-old customs of its society, revising the laws requires a general consensus of the people and thus takes time.

76. Although the case of Korea cannot be an exception, the Korean Government places the question of revising the Family Law under constant review in the spirit of the Convention. Recently, the Civil Code Revision Committee and a Study Group on the Family Law were established under the Ministry of Justice to study the revision of the Family Law.

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